

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CRIMINAL ACTION NO. 7:13-CR-70-5,6
	§	
FERNANDO GUERRA, SR	§	
FERNANDO GUERRA, JR,	§	
	§	
Defendants.	§	

PRELIMINARY ORDER OF FORFEITURE

Pursuant to Rule 32.2(b) of the Federal Code of Criminal Procedures and the agreement entered into by the United States, the Defendants, their attorneys and spouses, this Court now enters this Preliminary Order of Forfeiture and makes the following findings:

1. A Superseding Criminal Indictment was returned by a Federal Grand Jury in the Southern District of Texas, McAllen Division on April 3, 2013, charging the defendants with conspiracy to possess with intent to distribute cocaine, marijuana and methamphetamine and substantive counts of possession with intent to distribute cocaine. The Superseding Indictment included a Notice of Forfeiture pursuant to 21 U.S.C. §853 wherein the United States sought forfeiture of all property, real or personal, constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violations charged in the indictment. A Supplement to the Notice of Forfeiture was filed with the Court further identifying specific real property that constituted or was derived from the criminal proceeds obtained by defendants that the United States intended to forfeit upon conviction of Defendants Fernando Guerra, Sr. and Fernando Guerra, Jr. during the that was acquired the United States intended to forfeit

2. Defendants Fernando Guerra, Sr. And Fernando Guerra, Jr. have entered a guilty plea to count 1 of the Indictment which charges them with conspiracy to possess with intent to

distribute in excess of five (5) kilograms of cocaine, one thousand (1000) kilograms of marijuana, and more than five hundred (500) grams of methamphetamine, a violation of 21 U.S.C. §§ 841 and 846. In their plea agreements, the Defendants admitted that the real property noticed for forfeiture was, in fact, property acquired with proceeds of the drug trafficking conspiracy for which they stand convicted. This Court, having considered the plea agreement and the factual basis submitted by the United States, found the Defendants guilty and further found that there exists the requisite nexus between the offense of conviction and the real property noticed for forfeiture.

3. The Court finds that the Defendants have agreed to forfeit to the United States the real property fully described in the Supplement to Notice of Forfeiture and that their spouses have also agreed to the forfeiture.

4. As a result of the foregoing, the Court finds that the following property is forfeited to the United States:

- A. 1002 Sunrise Street, Edinburg, Texas; legally described as Lot Two (2), Vista Bonita Subdivision No. 10, Hidalgo County, Texas, according to the map thereof recorded in Volume 33, Page 50, Map Records of Hidalgo County, Texas; and
- B. NN FM 1017, Edinburg, Texas; legally described as Fountain 19.88 AC-W580.07' LOT 45 19.20 AC Net to include an undivided $\frac{1}{2}$ interest of any and all mineral interests presently held by Grantor; and
- C. Rural Ranch on CR 15 in Willacy County, Texas; legally described as the East Twenty Acres [E. 20 AC.] of lot Nine [9], Block Fourteen [14], Missouri-Texas Land and Irrigation Company's Subdivision, Willacy County, Texas, according to Map thereof recorded in Volume 1, Page 29, Map Records, Hidalgo County, Texas, and being the same property conveyed to Ralph Christian by Deed recorded in Volume 54, Page 506, Deed Records, Willacy County, Texas; and
- D. Rural Ranch on CR 15 in Willacy County, Texas; legally described as the West Twenty Acres [W. 20 AC.] of lot Nine [9], Block Fourteen [14], Missouri-Texas Land and Irrigation Company's Subdivision, Willacy County, Texas, according to Map thereof recorded in Volume 1, Page 29, Map Records, Hidalgo County, Texas, and being the same property conveyed to Ralph Christian by Deed recorded in Volume 54, Page 506, Deed Records, Willacy County, Texas; and

- E. All of Lot 401, BRENDA RANCHETTES, Hidalgo County, Texas, according to the map recorded in Volume 39, Page 60, Map Records, Hidalgo County, Texas; and
- F. Lot #1 and 2, Pueblo de Palmas, Phase II, Hidalgo County, Texas, according to the Map or Plat thereof recorded in volume 52, Pages 77-79, of the Map Records of Hidalgo County, Texas; and
- G. Lot Eighty-Three (83), VICTORIA HEIGHTS SUBDIVISION PHASE III, an addition to the City of Edinburg, Hidalgo County, Texas, according to map thereof recorded in Volume 40, Pages 45 and 46, Map Records of Hidalgo County, Texas.

5. The United States Attorney General, the Department of Justice, and the United States Department of Homeland Security shall seize the property to be forfeited, conduct any discovery the Court considers proper, and dispose of the property to be forfeited in accordance to law.

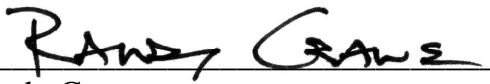
6. The forfeited property shall be Drug Enforcement Administration and the United State Marshal Serviceheld by Department of Homeland Security as custodian pending the signing of a final order of forfeiture or further order of the Court.

7. Pursuant to 21 U.S.C. § 853(n), the United States shall: (a) directly notify all persons or entities known to own or claim an interest in the forfeited property; and (b) publish in a government internet site (www.forfeiture.gov) notice of the entry of this Order, the intent of the United States to dispose of the forfeited property, and advise any claimants to file a petition with the Court and the Assistant United States Attorney assigned to this matter within thirty (30) days of the final publication of this notice or if actual notice was received, then within thirty (30) days of receipt, requesting the court for a hearing to adjudicate the validity of his/her alleged interest in the property. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in

the property, any additional facts supporting the petitioner's claim, and the relief sought. The petition to the Assistant United States Attorney in the foregoing case should be mailed to: U.S. Attorney's Office c/o Mary Ellen Smyth, Assistant United States Attorney, P.O. Box 1179, Laredo, Texas 78040.

8. Upon adjudication of all third party claims, the Court will enter a final judgment and order of forfeiture pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED this 15th day of August, 2013, at McAllen, Texas.



Randy Crane
United States District Judge